

REMARKS

The Final Office Action mailed July 6, 2010 has been carefully reviewed. From the Summary page, claims 1-7 were pending and rejected.

By this response, claims 1, 4 and 7 have been amended. No statutory new matter has been added. Support for the claim amendments can be found in the original specification.

Claim Rejection under 35 U.S.C. § 103(a)

Claims 1-7 stand rejected as being unpatentable over Kawai et al. (US 5,313,395) in view of Santori et al. (US 7,076,411). The rejection as to claims 1-7 is traversed.

As an initial matter, Applicant incorporates his arguments presented in the last response by reference herein.

The combination of Kawai and Santori fails to suggest switching from signals output from the transition control map of the actual controller to a signal output from the virtual controller so that the latter signal is supplied to the actual engine in the manner defined in each of claims 1, 4 and 7.

Kawai has been relied upon in the Office Action as allegedly describing the switching means based on selecting means shown in FIG. 1. See pg. 10. As mentioned in the cited passage on col. 4, ll. 5-10, the first control value sets a state variable according to the detected rotating speed. The second control value is set having no relationship with the state variable. Thus, the selecting means selects from an unrelated first or second control value.

This is quite different from Applicant's claimed invention because the engine control signals from the actual controller to the actual engine (*i.e.*, unaltered control map values) are switched to engine control signals based on the related, simulated/tested control map values. See FIG. 3. Once a desired performance objective has been met by the simulated/tested control map values, the engine control signal is sent directly to the actual engine for actual transition testing. Because Santori does not remedy Kawai's deficiency regarding switching signals being sent to the actual engine for testing, the obviousness rejection as to amended claims 1, 4 and 7 must fail.

The invention further distinguishes over the combination because Kawai does not run various simulations using a means for switching. By contrast, FIG. 3 of Applicant's invention illustrates a plurality of switches (*e.g.*, V1-V6) relating to control and correction of various control values. For instance, certain switches can be turned on while leaving other switches off. Various simulation results can be obtained when part of the control values are altered. Santori does not alleviate Kawai's deficiency in this regard, therefore, claims 1, 4 and 7 are further patentably distinguishable over the combination.

For at least these reasons, withdrawal of the rejection as to claims 1, 4 and 7, and claims 2, 3, 5 and 6 dependent thereon, is kindly requested by Applicant.

CONCLUSION

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Therefore it is respectfully requested that the Examiner reconsider the presently outstanding rejection and that it be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, in the event that additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefore are hereby authorized to be charged to **Deposit Account No. 02-4300, Attorney Docket No. 034201.006.**

Respectfully submitted,

SMITH, GAMBRELL & RUSSELL, LLP

/Michael A. Makuch/

Michael A. Makuch, Reg. No. 32,263
1130 Connecticut Ave., N.W., Suite 1130
Washington, D.C. 20036
Telephone: (202)263-4300
Facsimile: (202) 263-4329

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